

Sacks and Sacks LLP 150 Broadway, New York, N.Y. 10038
COUNSELORS AT LAW

(212) 964-5570

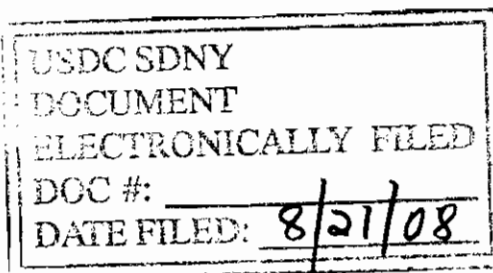
FAX (212) 349-2141

MELVIN SACKS (1914-1990)
IRA SACKS (1922-2001)
STANLEY SACKS - RET.

EVAN SACKS*
KENNETH SACKS*

ANDREW R. DIAMOND*
(MANAGING ATTORNEY)

SCOTT N. SINGER
HOWARD BOROWICK
HARVEY GILBERT



PETER T. MOYNIHAN*
SANFORD M. KONSTADT^Δ
DANIEL M. WEIR*
MONTY DOMAN
ADAM S. LEVIEN*
DAVID H. MAYER*
LYAMAN F. KHASHMATI
OF COUNSEL:
JOSEPH CARFORA
STUART LANG
JEFFREY MORSE (1951-2005)

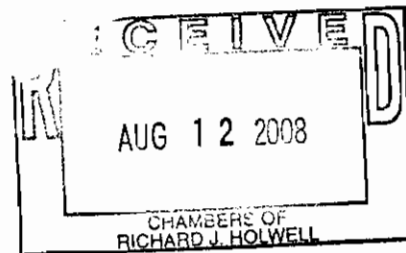
*ALSO ADMITTED IN N.J.

^ΔALSO ADMITTED IN N.J. & MA.

August 12, 2008

Via Hand Delivery

Hon. Richard J. Holwell
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Eric Borg v. 86th & 3rd Owner, LLC, et al
2008 Civ. 5913

Dear Hon. Holwell:

Please be advised that the law firm of Sacks and Sacks, LLP has been substituted as counsel for the plaintiff, Eric Borg, in the above-captioned action. We have received the entire file as of August 6, 2008 and a review of the same indicates that although affidavits of service have been made upon defendants, there has not been any Answer or appearance by defendants who were only served on July 3, 2008.

Accordingly, we would like to request a small adjournment of the scheduling order which is currently scheduled for September 5, 2008. At the present time I am unable to give alternative dates for the conference as we have had no communication with and no answer from defense counsel. Please be advised that the aforesaid correspondence is being sent by certified mail to the party defendants.

I thank your honor for guidance in this matter.

Very truly yours,
SACKS AND SACKS, LLP

By: 
KENNETH SACKS, ESQ.

KS/td

cc: Via Certified Mail, Return-Receipt Requested:

86 & 3rd Owner, LLC
60 Columbus Circle
New York, New York 10023

D&F Mason, Inc.
4422 Bronx Boulevard
Bronx, New York 10470

Bovis Lend Lease, LMB, Inc.
200 Park Avenue
New York, New York 10166

Related, LP.
60 Columbus Circle
New York, New York 10023

Del Savio Construction Corp.
4418-20 Bronx Boulevard
Bronx, New York 10470

Conference agreed to
10/17/08 at 10:00 a.m.

SO ORDERED



USOJ

8/21/08